

REMARKS

Initially, in the Office Action dated April 7, 2005, the Examiner requests affirmation of the election of Group I, claims 1, 5 and 9. The Examiner objects to the specification because of informalities. Claims 1, 5 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Publication No. 09-162908 (Kenji et al.) in view of U.S. Patent No. 6,810,247 (Halpern).

By the present response, Applicants have canceled claims 2-4, 6-8 and 10-12 without disclaimer. Moreover, Applicants have amended claims 1, 5 and 9 to further clarify the invention. Claims 1, 5 and 9 remain pending in the present application.

Restriction Requirement

The Examiner has requested affirmation of the election of Group I, claims 1, 5 and 9. Applicants affirm this election and have canceled the non-elected claims without disclaimer.

Specification Objections

The Examiner has objected to the specification because of informalities. Applicants have amended the specification to further clarify the invention and respectfully request that these objections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claims 1, 5 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kenji et al. in view of Halpern. Applicants respectfully traverse these rejections.

Kenji et al. discloses a communication line control method controlling the communication link be formed using a telephone line and a cable TV network of a multimedia terminal. A communication state monitor section checks an access time of each terminal equipment registered in a communication state recording table for each predetermined time t1 and clears a flag of a terminal equipment of the communication state recording table when the terminal equipment does not make transmission/reception for a prescribed time t2 or over. Then a protocol processing section informs to the terminal equipment that the line is tentatively interrupted and a communication control section interrupts the line. The communication line control method is obtained in which the terminal equipment in a communication enable state with the host device through the connected line by not actually making communication is tentatively interrupted to avoid useless occupancy of the line and number of apparent connection lines is increased.

Halpern discloses a method of providing recovery of user interaction associated with a two-way wireless communication session. This includes associating a series of virtual pages with program blocks, storing program blocks state information in the virtual pages, and using stored virtual pages to recover from an interrupted communication session.

Regarding claims 1, 5 and 9, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, communication control for controlling wireless data communication that includes in

response to normal termination of data communication between a portable information communication terminal and a data communication apparatus, clearing accounting on the data communication that was interrupted between the portable information communication and the data communication apparatus by disconnection of the communication line if the interrupted data communication was interrupted within a predetermined time before the normal termination of data communication. The Examiner asserts that these limitations in the claims of the present application are disclosed in Kenji et al. in the abstract, Figs. 1-5, and page 4, step 11 of paragraph [0016]. However, this portion of Kenji et al. merely discloses that when there is a terminal which is not transmitted and received the data between fixed time amount, the communication link house keeping section 105 clears the flag of the terminal with which a communication link condition registration table corresponds, the protocol processing section 104 notifies the purport of cutting temporarily [circuit] to the corresponding terminal, and the communications control section 106 cuts a circuit temporarily. This is not, in response to normal termination of data communication, clearing accounting on the data communication that was interrupted between the portable information communication terminal and the data communication apparatus if the interrupted data communication was interrupted within a predetermined time before the normal termination of data communication, as recited in the claims of the present application. Kenji et al. merely discloses the line switching network as discussed in paragraph [0002]. In such network, once the session starts, the line is occupied for the session even if no data is transmitted via

the line. Kenji et al. detects the line on which data is not transmitted during the predetermined time and the detected line is temporarily disconnected and assigned to another session until the data transmission of the original session is resumed as described in paragraphs [0005] and [0006]. The communication link condition registration table (Fig. 2) is for monitoring the data transmission of each session. Kenji et al. is for effectively using the line. In the Kenji et al. system, this temporary disconnection is intentionally performed by the system as a normal procedure. In contrast, the present invention relates to wireless communication in which unintentional disconnection often occurs due to the radio condition (i.e., disconnection of a communication line). Only if the interrupted data communication was interrupted within a predetermined time before the normal communication of data communication is the accounting data of the abnormally ended communication canceled.

The following is provided to aid the Examiner's understanding of the limitations in the claims of the present application. The present invention always records the accounting data for charging for the communication. If the communication between the portable communication terminal and the data communication apparatus fails (does not finish normally), the present invention cancels the corresponding accounting data under a predetermined condition such that the user would not be charged for the failed communication (see, page 20, lines 10-26 of Applicants' specification). The account canceling timing (i.e., the predetermined condition) is not disclosed in any of the cited references. When the

communication is normally ended, it is checked whether there is any communication between the same origination and the same destination which did not normally end just before the normally ended communication. If there is an abnormally ended communication, the corresponding accounting data is cancelled (cleared or removed) from the accounting result table 211 (Fig. 4) as described in page 6, lines 3-17 and page 19, lines 23-27 of Applicants' specification.

Moreover, Halpern does not disclose or suggest the limitations in the claims of the present application. Halpern merely discloses to recover from an interrupted communication session using virtual pages storing the program block state information in the wireless communication session with the wireless device such as cellular phone, a PCS phone, a personal digital assistant, etc. Halpern does not disclose or suggest anything related to, in response to normal termination of data communication, clearing accounting on the data communication that was interrupted if the interrupted data communication was interrupted within a predetermined time before the normal termination of data communication, as recited in the claims of the present application.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1, 5 and 9 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 5 and 9 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 500.40462X00).

Respectfully submitted,

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